



Reprinted
February 4, 2004

SENATE BILL No. 132

DIGEST OF SB 132 (Updated February 2, 2004 12:01 pm - DI 75)

Citations Affected: IC 3-6; IC 3-14.

Synopsis: Absentee ballots. Restricts who may assist a voter in applying for an absentee ballot and who may transmit a completed absentee ballot application to the circuit court clerk. Provides that a person who does certain acts with respect to an absentee ballot application or an absentee ballot commits absentee ballot fraud, a Class D felony. Provides that a court sentencing an individual convicted of absentee ballot fraud may suspend only that part of the sentence that is in excess of the minimum sentence. Provides that a judge may not enter a judgment of conviction of a Class A misdemeanor for absentee ballot fraud.

Effective: July 1, 2004.

Antich, Lawson C, Mrvan

January 6, 2004, read first time and referred to Committee on Elections and Civic Affairs.
January 26, 2004, reported favorably — Do Pass.
February 3, 2004, read second time, amended, ordered engrossed.

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SB 132—LS 6521/DI 75+



Reprinted
February 4, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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SENATE BILL No. 132

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-6-5.2-6, AS AMENDED BY P.L.26-2000,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 6. (a) **Except as provided in subsection (c)**, the
4 board has all of the powers and duties given in this title (and powers
5 and duties concerning elections or voter registration given in other
6 titles of the Indiana Code) to the following:

- 7 (1) The county election board.
8 (2) The board of registration.
9 (3) The circuit court clerk.
10 (4) The county executive.

11 (b) **Except as provided in subsection (c)**, the director appointed
12 under section 7 of this chapter shall perform all the duties of the circuit
13 court clerk under this title and perform the election or voter registration
14 duties of the circuit court clerk under other titles of the Indiana Code.
15 The board shall perform all the duties of the county executive under
16 this title and perform the election duties of the county executive under
17 other titles of the Indiana Code.

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1 (c) The circuit court clerk shall perform all the duties of the
2 circuit court clerk relating to absentee ballots under this title.

3 SECTION 2. IC 3-14-2-31.1 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2004]: **Sec. 31.1. In addition to any sentence imposed under**
6 **IC 35-50, the court shall order both of the following after a person**
7 **is convicted of a crime under this chapter:**

8 (1) Termination of the person's employment if the person is
9 employed by the state, a political subdivision, or a body
10 corporate and politic.

11 (2) That for five (5) years after the date of sentencing, the
12 person is prohibited from employment by the state, a political
13 subdivision, or a body corporate and politic.

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SENATE MOTION

Madam President: I move that Senator Lawson C be added as coauthor of Senate Bill 132.

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 132, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 132 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 7, Nays 0.

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SB 132—LS 6521/DI 75+



SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Bill 132.

ANTICH

SENATE MOTION

Madam President: I move that Senate Bill 132 be amended to read as follows:

Page 5, delete lines 11 through 42.

Delete pages 6 through 8.

(Reference is to SB 132 as printed January 27, 2004.)

ANTICH

SENATE MOTION

Madam President: I move that Senate Bill 132 be amended to read as follows:

Between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-6-5.2-6, AS AMENDED BY P.L.26-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) **Except as provided in subsection (c)**, the board has all of the powers and duties given in this title (and powers and duties concerning elections or voter registration given in other titles of the Indiana Code) to the following:

- (1) The county election board.
- (2) The board of registration.
- (3) The circuit court clerk.
- (4) The county executive.

(b) **Except as provided in subsection (c)**, the director appointed under section 7 of this chapter shall perform all the duties of the circuit court clerk under this title and perform the election or voter registration duties of the circuit court clerk under other titles of the Indiana Code. The board shall perform all the duties of the county executive under this title and perform the election duties of the county executive under other titles of the Indiana Code.

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(c) **The circuit court clerk shall perform all the duties of the circuit court clerk relating to absentee ballots under this title."**

Renumber all SECTIONS consecutively.

(Reference is to SB 132 as printed January 27, 2004.)

ANTICH

SENATE MOTION

Madam President: I move that Senate Bill 132 be amended to read as follows:

Page 5, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 1. IC 3-14-2-31.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:**Sec. 31.1 In addition to any sentence imposed under IC 35-50, the court shall order both of the following after a person is convicted of a crime under this chapter:**

- (1) Termination of the person's employment if the person is employed by the state, a political subdivision, or a body corporate and politic.**
- (2) That for five (5) years after the date of sentencing, the person is prohibited from employment by the state, a political subdivision, or a body corporate and politic."**

Renumber all SECTIONS consecutively.

(Reference is to SB 132 as printed January 27, 2004.)

MRVAN

SENATE MOTION

Madam President: I move that Senate Bill 132 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to SB 132 as printed January 27, 2004.)

LAWSON C



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